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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vincent P. Stanton, Jr
Serial No. : 10/687,117
Filed : October 16, 2003
Title : IDENTIFICATION OF GENETIC COMPONENTS OF DRUG RESPONSE

Art Unit : Unknown
Examiner : Unknown

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

In response to the Notice of Non-Compliant Amendment mailed February 23, 2006 (copy enclosed), Applicants submit that this Notice is in error.

On October 16, 2003, Applicants filed a continuation application along with a Preliminary Amendment. On August 26, 2004, Applicants submitted an Information Disclosure Statement. Applicants have not filed any further documents in this case. No amendment was filed on February 13, 2006, as indicated in the attached Notice. Furthermore, Applicants have not yet received an action from the Patent Office in this application.

Applicants further investigated the situation in Private Pair and noticed that certain papers relating to a completely different application, but using the above serial number, have been entered in this case. Applicants confirm that all documents entered after the Information Disclosure Statement filed on August 26, 2004 do not relate to this application.

Applicants also enclose a copy of the returned, stamped post card for the above application, showing that we are indeed using the correct Serial Number as noted above. Therefore, it appears that the papers filed after the Information Disclosure Statement filed in August of 2004 are reflecting our Serial Number in error.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 10, 2006
Date of Deposit

Carrie A. Amonte
Signature

Carrie A. Amonte
Typed or Printed Name of Person Signing Certificate

Applicant : Vincent P. Stanton, Jr
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Page : 2 of 2

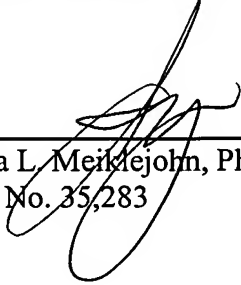
Attorney's Docket No.: 11926-006002

Accordingly, Applicants request that the Notice of Non-Compliant Amendment be withdrawn. It is also requested that a first action be issued in this case as it is over two years since the application was filed.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 9 MAR 2004



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Attorney Docket No. 11926-006002	Express Mail Label No. EL983025444US	Mailing Date October 16, 2003	For PTO Only <i>Do Not Mark in This Area</i>
Application No.	Filing Date	Attorney/Secretary Init ALM/caa	
Title of the Invention IDENTIFICATION OF GENETIC COMPONENTS OF DRUG RESPONSE			
Applicant Vincent P. Stanton, Jr.			
Barcode 10/16/03			
Enclosures · Transmittal Letter (2 pages) · Patent Application (132 pages of specification, 3 pages of claims, 16 total claims, 1 pages of abstract) · Check in the amount of \$385.00 · Combined Declaration and Power of Attorney (2 pages) · Preliminary Amendment (5 pages) · Other: PTO 1449 Form (1 sheet) from parent application; Copy of Petition for Extension of Time filed in parent application			

TO BE COMPLETED WHEN OFFICIAL FILING RECEIPT ARRIVES

- ☐ Serial number on the postcard and the filing receipt match
- ☐ Filing dates on the postcard and filing receipt match
- ☒ Filing fee (paid by check) and the filing fee received on the filing receipt match. If the filing fee was charged to the deposit account, the correct amount of the fee charged match
- ☐ Attorney docket numbers on the postcard and filing receipt match
- ☐ Number of sheets of drawings in the application, number noted on the postcard and number noted on the filing receipt match
- ☐ Total number of claims in the application, noted in the transmittal letter and on the filing receipt match
- ☐ Number of Independent claims in the application and noted in the transmittal letter and on the postcard match
- ☐ Attorney named on the filing receipt and attorney named on the declaration/filing request match
- ☐ Inventor(s) named on the filing receipt and the Inventor(s) named in the declaration/filing request match
- ☐ Title noted on filing receipt and on the application match

Checked by: _____

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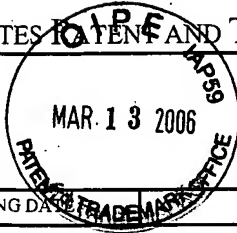
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OCT 28 2003

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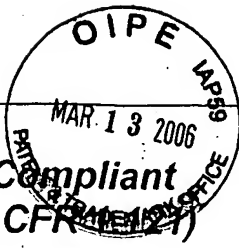


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,117	10/16/2003	Vincent P. Stanton JR.	11926-006002	7321
26161	7590	02/23/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			SWITZER, JULIET CAROLINE	
			ART UNIT	PAPER NUMBER
			1634	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/687,117

Applicant(s)

Examiner

J. Switzer

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 2/13/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
☐ B. New paragraph(s) should not be underlined.
☐ C. Other _____

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
☐ B. Other _____

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
☐ C. Other _____

☐ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☒ E. Other: Claims that were previously canceled 1-16 cannot be amended
review amendment 2/13/06 for error. Claims 1-16 are canceled 10/16/03
papers

☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

2. ADAMS

Legal Instruments Examiner (LIE)

571-272-0502

Telephone No.